

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 1118

H. D. No. 381

House of Representatives, March 11, 1925.

Referred to Committee on Agriculture and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Dudley of Woodstock.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Regulate the Manufacture and Sale of Soft Drinks,
Syrups and Non-alcoholic Beverages.

Be it enacted by the People of the State of Maine, as follows:

Section 1. No person, firm or corporation shall manufacture for sale at wholesale any soft drink or other non-alcoholic beverage within this state without having first filed with the commissioner of agriculture an application for license accompanied with a fee of ten dollars, upon receipt of which application the commissioner of agriculture shall issue to the person, firm or corporation making such application a license to manufacture soft drinks or other non-alcoholic beverages as hereinafter provided. Said license shall run for one year from the date of the application un-

11 less sooner revoked as herein provided and shall be renewed
12 annually thereafter.

No soft drink or other non-alcoholic beverage not manu-
2 factured in the state of Maine shall be sold or offered for
3 sale within the state of Maine unless the same is registered
4 with the commissioner of agriculture and a registration fee
5 of twenty-five dollars for each such drink or other non-al-
6 coholic beverage bearing a distinguishing flavor or name
7 shall be paid either by the manufacturer, his agent or dealer,
8 to the commissioner of agriculture of the state of Maine,
9 the same to be renewed annually; provided that whenever
10 any manufacturer, agent or seller shall have paid this fee,
11 his or their agent or dealer selling the same shall not be re-
12 quired to do so.

Sect. 2. The commissioner of agriculture shall have the
2 power to revoke any license issued under the provisions of
3 this act whenever it is determined by himself, or any of
4 his deputies or other properly qualified official, that any
5 of the provisions of this act have been violated. Any per-
6 son, firm or corporation whose license has been so revoked
7 shall discontinue the manufacture and sale within the state
8 of Maine of soft drinks and other non-alcoholic beverages
9 until the provisions of this act have been complied with and
10 a new license issued. The commissioner of agriculture may
11 revoke such license temporarily until there is a compliance
12 with the provisions of this act as hereinafter provided or
13 permanently for the unexpired period of such license.

Sect. 3. Before revoking any license the commissioner of
2 agriculture shall give written notice to the licensee affected,
3 stating that he contemplates the revocation of the same and
4 giving his reasons therefor. Such notice shall appoint a
5 time of hearing before said commissioner and shall be
6 mailed by registered mail to the licensee. On the day of
7 the hearing the licensee may present such evidence to the
8 commissioner as he deems fit and after hearing all the testi-
9 mony the commissioner shall decide the question in such
10 manner as to him appears just and right. Any licensee who
11 feels aggrieved and dissatisfied with the decision of the
12 commissioner may appeal from said decision within ten days
13 to the supreme court or superior court of the county where
14 the licensee resides.

Sect. 4. For the purpose of this act the term "soft drink"
2 as used herein shall be held to include all non-alcoholic
3 beverages, non-alcoholic fruit juices, carbonated beverages
4 including ginger ale, bottled sodas of all flavors, apple cider,
5 grape juice, coca cola, root beer, imitation beer, imitation
6 ale, porter and stout.

Sect. 5. Whenever artificial colors or flavors are used in
2 the manufacture of soft drinks or other non-alcoholic bever-
3 ages, the bottle or other container shall be distinctly labeled
4 "artificially colored and flavored." Whenever artificial coal
5 tar colors are used, nothing but the certified colors, as ap-
6 proved by the federal government, shall be allowed. All
7 non-alcoholic ciders, non-alcoholic fruitades, non-alcoholic

8 fruit juices or other similar drinks that are made in imi-
9 tation of the natural product shall be properly and distinctly
10 labeled with the word "imitation" followed by the name of
11 the beverage. All soft drinks and other non-alcoholic bever-
12 ages sold in bulk or from open receptacles that contain arti-
13 ficial coloring or artificial flavors of any character shall be
14 so labeled, said labels to be prominently displayed on all
15 stands, booths, or other places where said soft drinks or
16 other non-alcoholic beverages are sold or dispensed. The
17 use of saccharine, salicylic acid and sulphites in the manu-
18 facture of soft drinks and other non-alcoholic beverages is
19 hereby prohibited.

Sect. 6. All buildings, stores, factories or other places
2 where soft drinks or other non-alcoholic beverages are man-
3 ufactured or bottled shall be well lighted and ventilated and
4 shall be kept at all times in a clean and sanitary condition.
5 All machines, bottles, jars, jugs, cocks or other utensils or
6 containers used in the manufacture of soft drinks or other
7 non-alcoholic beverages shall be kept in a clean and sanitary
8 place and in a sanitary condition.

Sect. 7. All bottles, jars, jugs or other containers used
2 for soft drinks or other non-alcoholic beverages, before be-
3 ing filled, shall be thoroughly cleaned, sterilized and then
4 thoroughly rinsed in pure water.

Sect. 8. Any person, firm or corporation who shall violate
2 any of the provisions of this act or neglect or refuse to com-
3 ply with any of the provisions required herein or in any

4 way violate any of its provisions shall be punished by a fine
5 not exceeding one hundred dollars for the first offense and
6 by a fine not exceeding two hundred dollars for each subse-
7 quent offense.

Sect. 9. The commissioner of agriculture shall diligently
2 enforce all the provisions of this act. He may recover
3 penalties imposed for violation of this act in an action of
4 debt brought in his own name and if he prevails in such
5 action, shall recover full costs; or he may prosecute for
6 violations hereof by complaint or indictment. Municipal
7 and police court and trial justices shall have original juris-
8 diction concurrent with the supreme judicial court and supe-
9 rior courts of actions brought for the recovery of penalties
10 imposed by this act and of prosecutions for violations here-
11 of. All fees received under this act by the commissioner
12 of agriculture and all money and fines received by him un-
13 der this act shall be paid by him to the treasurer of state
14 and the same is hereby appropriated for carrying out the
15 provisions of this act.